

No. 13
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2020

Senate Chamber, Lansing, Wednesday, February 5, 2020.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Garlin D. Gilchrist II.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Alexander—present
Ananich—present
Barrett—excused
Bayer—present
Bizon—present
Brinks—present
Bullock—present
Bumstead—present
Chang—present
Daley—present
Geiss—present
Hertel—present
Hollier—excused

Horn—present
Irwin—present
Johnson—present
LaSata—present
Lauwers—excused
Lucido—present
MacDonald—present
MacGregor—present
McBroom—present
McCann—present
McMorrow—present
Moss—present
Nesbitt—excused

Outman—present
Polehanki—present
Runestad—present
Santana—present
Schmidt—present
Shirkey—present
Stamas—present
Theis—present
VanderWall—present
Victory—excused
Wojno—present
Zorn—present

Pastor Joe Jones of Brown-Hutcherson Ministries of Grand Rapids offered the following invocation:

Eternal God our Father, I stretch my hands to thee, recognizing You as the only help that I know. And I begin this morning by taking a moment to pause and say, “thank You.” I want to thank You for this occasion to invoke a blessing upon this august body—this diverse assembly of public servants who have been selected to serve for such a time as this. I also want to acknowledge just how good You’ve been to our beloved state.

You have endowed us with bountiful lakes full of fresh water as well as an abundance of natural resources. May we never lose sight that it all belongs to You. For Psalm 24:1-2 declares, “The earth is the Lord’s, and everything in it, the world, and all who live in it; for he founded it on the seas and established it on the waters.” Therefore, may we be good stewards of that which ultimately belongs to You.

As we enter into this hour, we ask for Your blessing over the proceedings of today. May this esteemed gathering consider the wisdom of the Ojibwe and the Gifts of the Seven Grandfathers as decisions are being made both today and the days to come. May they operate with respect, love, truth, bravery, wisdom, generosity, and humility in their hearts and minds.

Dear Lord, I ask for a special blessing over the lives of those who have come before us, our elders, and our ancestors whose sacrifices and selflessness can serve as models of perseverance. As we celebrate black history and those individuals from the African diaspora who pressed and prospered, we pause to remember our own heroes and sheroes like OB/GYN and historian Dr. Charles Wright of Detroit; the first African-American teacher hired by the Lansing School District, Olivia Letts; the first black woman to graduate from the University of Michigan Dental School in 1890 as well as the nation’s first black female dentist, Dr. Ida Gray; one of the first African American families who made the Upper Peninsula their home after the Civil War and the namesake of Gaines Rock in Marquette, William and Mary Gaines; the first black woman to serve as president of the National YWCA, Grand Rapids civil rights leader Helen Claytor. And the list goes on and on, Lord. But You know who they are because You gifted all of them just like You’ve gifted all of us.

May we all here this morning—regardless of our age or ethnicity; our gender or sexual orientation; regardless of our socio-economic status—re-commit ourselves to Your command that we love one another as You have loved us. Dear God, may we never make the mistake of forgetting that all of humanity has been made in Your image and Your likeness and that You require us to act justly and to love mercy and to walk humbly with You.

May the presence of Your Holy Spirit be felt here in this place as we once again thank You, praise You, magnify You, and lift You up. In the matchless and miraculous name of Your Son, Jesus the Christ I pray. Amen.

The President, Lieutenant Governor Gilchrist, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senator Ananich entered the Senate Chamber.

Senator MacGregor moved that Senators Barrett, Lauwers, Nesbitt and Victory be excused from today’s session.

The motion prevailed.

Senator Chang moved that Senator Hollier be excused from today’s session.

The motion prevailed.

The following communication was received:

Office of Senator Winnie Brinks

February 4, 2020

Per Senate Rule 1.110(c) I am requesting that my name be added as a co-sponsor to Senate Bill 0284 which was introduced on April 24, 2019 and was referred to the Senate Committee on Health Policy and Human Services.

Sincerely,
Senator Winnie Brinks
District 29

The communication was referred to the Secretary for record.

Messages from the Governor

The following message from the Governor was received:

Date: February 4, 2020
Time: 11:13 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 588 (Public Act No. 26), being

An act to amend 1998 PA 58, entitled “An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,” (MCL 436.1101 to 436.2303) by adding section 609d.

(Filed with the Secretary of State on February 4, 2020, at 2:04 p.m.)

Respectfully,
Gretchen Whitmer
Governor

The following message from the Governor was received and read:

HEATING REQUIREMENTS FOR A BUILDING USED AS A VIEWING AREA FOR OUTDOOR SPORTING ACTIVITIES

February 4, 2020

Today I am returning Enrolled Senate Bill 294 to you without my approval. This legislation was drafted because the Department of Licensing and Regulatory Affairs denied an exemption to a planned press box facility because it did not comply with the Construction Code. Michigan’s Construction Code creates a set of basic standards that protect Michiganders from shoddy construction. Legislation that makes construction in this state less safe for everyone is not an appropriate response to a single license denial.

Moreover, bills like SB 294, which respond to license denials by stripping our departments of regulatory authority, encourage disappointed applicants to “appeal” to the legislature. Such piecemeal legislation undermines the effectiveness of state government.

In light of these considerations, I am vetoing Enrolled Senate Bill 294.

Respectfully,
Gretchen Whitmer
Governor

This bill was returned from the Governor on February 4, 2020, at 2:48 p.m.

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding,

Senator MacGregor moved that the veto message be referred to the Committee on Government Operations. The motion prevailed.

Senator MacGregor moved that rule 3.902 be suspended to allow the guests of Senator Bumstead admittance to the Senate floor, including the center aisle.

The motion prevailed, a majority of the members serving voting therefor.

Senator MacGregor moved that rule 3.901 be suspended to allow filming and photographs to be taken from the Senate Gallery.

The motion prevailed, a majority of the members serving voting therefor.

Recess

Senator MacGregor moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:08 a.m.

10:17 a.m.

The Senate was called to order by the President, Lieutenant Governor Gilchrist.

During the recess, Senator Bumstead introduced the Fremont Packers boys cross country team, MHSAA Division 2 state champions, and the Hart Pirates girls cross country team, MHSAA Division 3 state champions; and presented them with Special Tributes.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator MacGregor moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Gilchrist, designated Senator Polehanki as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Gilchrist, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

Senate Bill No. 171, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1278a (MCL 380.1278a), as amended by 2018 PA 232.

The bill was placed on the order of Third Reading of Bills.

By unanimous consent the Senate proceeded to the order of

Resolutions

House Concurrent Resolution No. 12.

A concurrent resolution to oppose Canada’s consideration of placing a permanent high-level radioactive waste storage site on the shores of Lake Huron, to urge the United States Congress to take every legal action possible to prevent the construction of any underground high-level nuclear waste repository in the Great Lakes basin, and to urge the Canadian government to prohibit a high-level nuclear waste repository anywhere in the Great Lakes basin.

Whereas, The Canadian Nuclear Waste Management Organization has chosen the township of Huron-Kinloss and the municipality of South Bruce in southern Ontario as one of two finalists for a possible long-term geological repository to bury and abandon Canada’s radioactive spent nuclear fuel, the most dangerous nuclear waste. This proposed area along the shores of Lake Huron is approximately 120 miles upstream from the main drinking water intakes for southeast Michigan. Indeed, the Great Lakes provide drinking water to 40 million people on both the United States and Canadian borders; and

Whereas, The governments of Canada and the United States, under the *2012 Protocol Amending the Agreement Between Canada and the United States of America on Great Lakes Water Quality*, acknowledge the importance of anticipating, preventing, and responding to threats to the waters of the Great Lakes and share a responsibility and an obligation to protect the Great Lakes from contamination from various sources of pollution, including the leakage of nuclear waste from a high-level underground nuclear waste repository; and

Whereas, When the nearby Bruce Nuclear Generation Station was considered previously as a site for Canada’s low- and intermediate-level radioactive nuclear waste, entities representing over 23 million citizens passed numerous resolutions in the states of Michigan, Illinois, Indiana, Minnesota, Wisconsin, Pennsylvania, New York, and Ohio, and in the province of Ontario opposing any nuclear waste repository at the site; and

Whereas, Placing a deep geological repository near the Great Lakes is a high-risk venture with the potential of causing irreparable harm to millions of lives. Underground waste repositories have leaked in the past,

costing billions of dollars to repair. Germany, for instance, is spending billions of dollars to dig up low- and intermediate-level radioactive waste that was stored in a salt mine due to leakage and other environmental concerns. In 2014, chemical reactions in a steel barrel full of radioactive waste caused an explosion and fire at a low- and intermediate-level underground waste site in Carlsbad, New Mexico causing a cloud of radioactivity to be released at the surface. Not only did this put the health and safety of the public at risk, it cost taxpayers \$2 billion to clean up and repair. As demonstrated, low- and intermediate-level facilities have failed, and this high-level nuclear proposal provides no guarantee, whatsoever, to keep radioactive waste from our environment; and

Whereas, Placing a permanent high-level nuclear waste burial facility within the Great Lakes basin is ill-advised. The potential damage to the Great Lakes from any leak or breach of radioactivity far outweighs any benefits that could be derived from burying high-level radioactive waste at this site. The ecology of the Great Lakes, which is valuable beyond measure to the health and economic well-being of the entire region, should not be placed at risk by storing high-level radioactive waste within the Great Lakes watershed. Canada currently has an inventory of almost 2.9 million used nuclear fuel bundles stored above ground in wet pools and dry containers at the nuclear plant sites where the waste is generated, constituting 128 million pounds of highly radioactive material—a number that is growing; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That, in the strongest manner possible, we oppose the Nuclear Waste Management Organization's consideration of placing a high-level nuclear waste repository on the shores of Lake Huron; and be it further

Resolved, That we urge the United States Congress to take every legal action possible to oppose the construction of any underground high-level nuclear waste repository in the Great Lakes basin; and be it further

Resolved, That we urge the Canadian government to prohibit the siting and construction of a high-level nuclear waste repository anywhere in the Great Lakes basin; and be it further

Resolved, That copies of this resolution be transmitted to the Prime Minister of Canada, Canada's Minister of Environment and Climate Change, Canada's Minister of Foreign Affairs, the Premier of Ontario, the Canadian Nuclear Safety Commission, the Canadian Environmental Assessment Agency, the Speaker of the United States House of Representatives, the President of the United States Senate, the members of the Michigan congressional delegation, and the United States Nuclear Regulatory Commission.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator MacGregor moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on the adoption of the concurrent resolution,

Senator MacGregor moved that the concurrent resolution be referred to the Committee on Energy and Technology.

The motion prevailed.

Senate Concurrent Resolution No. 8

A concurrent resolution to declare Adverse Childhood Experiences (ACEs) a critical health issue, commit the Legislature to action, and encourage the Governor to direct agencies to assess and report progress on reducing ACEs.

(For text of resolution, see Senate Journal No. 46 of 2019, p. 471.)

The House of Representatives has adopted the concurrent resolution and named Representatives Cherry, Crawford, Haadsma, Hope, Kuppa, Liberati, Warren and Wittenberg as co-sponsors.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Santana introduced

Senate Bill No. 778, entitled

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by amending section 31 (MCL 205.731), as amended by 2008 PA 125.

The bill was read a first and second time by title and referred to the Committee on Finance.

Senator McBroom introduced

Senate Bill No. 779, entitled

A bill to amend 1976 IL 1, entitled “A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies,” by amending sections 3a, 3b, and 3c (MCL 445.573a, 445.573b, and 445.573c), section 3a as added by 1989 PA 148, section 3b as amended by 1998 PA 473, and section 3c as amended by 1996 PA 384.

The bill was read a first and second time by title and referred to the Committee on Natural Resources.

Senator Lucido introduced

Senate Bill No. 780, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 3 (MCL 722.623), as amended by 2016 PA 35.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors, and Veterans.

Senator Ananich introduced

Senate Bill No. 781, entitled

A bill to amend 1993 PA 327, entitled “Tobacco products tax act,” by amending sections 2, 7, and 12 (MCL 205.422, 205.427, and 205.432), section 2 as amended by 2012 PA 188, section 7 as amended by 2016 PA 86, and section 12 as amended by 2018 PA 639.

The bill was read a first and second time by title and referred to the Committee on Regulatory Reform.

Senator Bullock introduced

Senate Bill No. 782, entitled

A bill to amend 1915 PA 31, entitled “Youth tobacco act,” by amending the title and section 4 (MCL 722.644), as amended by 2019 PA 18, and by adding section 2d.

The bill was read a first and second time by title and referred to the Committee on Regulatory Reform.

Senator Runestad introduced

Senate Bill No. 783, entitled

A bill to amend 1915 PA 31, entitled “Youth tobacco act,” (MCL 722.641 to 722.645) by adding section 1a.

The bill was read a first and second time by title and referred to the Committee on Regulatory Reform.

Senator Theis introduced

Senate Bill No. 784, entitled

A bill to amend 1915 PA 31, entitled “Youth tobacco act,” by amending section 1 (MCL 722.641), as amended by 2019 PA 18.

The bill was read a first and second time by title and referred to the Committee on Regulatory Reform.

Senator Zorn introduced

Senate Bill No. 785, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 42b (MCL 750.42b), as added by 1992 PA 273.

The bill was read a first and second time by title and referred to the Committee on Regulatory Reform.

Senator Wojno introduced

Senate Bill No. 786, entitled

A bill to amend 1971 PA 79, entitled “Age of majority act of 1971,” by amending section 3 (MCL 722.53).

The bill was read a first and second time by title and referred to the Committee on Regulatory Reform.

Senator Ananich introduced

Senate Bill No. 787, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7d (MCL 211.7d), as amended by 2016 PA 78.

The bill was read a first and second time by title and referred to the Committee on Finance.

House Bill No. 4577, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2081) by adding section 1092.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Transportation and Infrastructure.

Statements

Senators Johnson and Geiss asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Johnson’s statement is as follows:

Please join me in welcoming the Davison Cardinals varsity football team and coaches to the Senate. They are the proud 2019 high school football state champions of Michigan.

2019 was their first-ever football state title so we’re really proud of their work and their talent. They told me one of the winning things for them is that they’re like an extended family. Each member of the 2019 team and their amazing coaches have proved how to commit both to themselves and each other. It was their talent, commitment, and passion that led this team to their state title and to an impressive 12-2 season. All Cardinals will remember and celebrate the 2019 season for years to come.

Each of you have done a truly impressive thing and we couldn’t be prouder of each one of you. Go Cardinals!

Senator Geiss’ statement is as follows:

I rise today in recognition of the 27th anniversary of the Family Medical Leave Act (FMLA). It was the first bill that then-President Clinton signed into law and was authored by the former Congressman from my district, William D. Ford, who, at the time, was from Taylor, Michigan.

We’ve made efforts here in Michigan to improve paid medical leave for our residents, however, just like the FMLA, ours did not go far enough. There are still many families who are not covered—who don’t have access to earned paid sick time and time to care for their family members and other people associated closely with them. So today as we recognize the 27th anniversary of the Family Medical Leave Act, I hope that all of us throughout legislatures in the country will look at how we can do better for our residents and ensure that they have access to the healthcare they need.

Announcements of Printing and Enrollment

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, February 4:

House Bill No. 4577

The Secretary announced that the following bills and resolutions were printed and filed on Tuesday, February 4, and are available on the Michigan Legislature website:

Senate Bill Nos.	764	765	766	767	768	769	770	771	772	773	774	775	776
	777												
Senate Resolution Nos.	97	98											
House Bill Nos.	5438	5439	5440	5441	5442	5443	5444	5445	5446	5447	5448	5449	5450
	5451	5452	5453	5454	5455	5456	5457	5458	5459	5460	5461	5462	5463

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Education and Career Readiness submitted the following:
 Meeting held on Tuesday, February 4, 2020, at 12:00 noon, Room 1300, Binsfeld Office Building
 Present: Senators Theis (C), Horn, Bumstead, Runestad, Daley, Polehanki and Geiss

COMMITTEE ATTENDANCE REPORT

The Committee on Environmental Quality submitted the following:
 Meeting held on Tuesday, February 4, 2020, at 1:00 p.m., Room 1200, Binsfeld Office Building
 Present: Senators Outman (C), Daley, Johnson, VanderWall, McBroom, Bayer and Brinks

Scheduled Meetings

Appropriations and House Appropriations - Thursday, February 6, 10:30 a.m., Room 352, House Appropriations, Capitol Building (517) 373-5307

Subcommittees -

Agriculture and Rural Development - Thursday, February 20, 3:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

Capital Outlay - Wednesday, February 12, 3:30 p.m., Room 352, House Appropriations, Capitol Building (517) 373-2768

Community Health/Human Services - Wednesday, February 12, 12:30 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Justice and Public Safety - Thursdays, February 13, February 20, and February 27, 1:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

K-12 and Michigan Department of Education - Thursday, February 13, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Labor and Economic Opportunity/MEDC - Tuesdays, February 11, February 18, February 25, and March 3, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Natural Resources and Environment, Great Lakes, and Energy - Tuesday, February 11, 8:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Transportation - Tuesday, February 11, 12:00 noon, Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Economic and Small Business Development - Thursday, February 6, 12:00 noon, Room 1200, Binsfeld Office Building (517) 373-1721

Energy and Technology - Tuesday, February 11, 2:00 p.m., Room 1100, Binsfeld Office Building (517) 373-1721

Health Policy and Human Services - Thursday, February 6, 1:00 p.m., Room 1100, Binsfeld Office Building (517) 373-5323

Judiciary and Public Safety - Thursday, February 6, 8:30 a.m., Room 1100, Binsfeld Office Building
(517) 373-5312

Local Government - Thursday, February 6, 1:30 p.m., Room 1200, Binsfeld Office Building
(517) 373-5314

Senator MacGregor moved that the Senate adjourn.
The motion prevailed, the time being 10:31 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Thursday, February 6, 2020, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

